

VZCZCXRO9985
PP RUEHBC RUEHDE RUEHIHL RUEHKUK RUEHMOS
DE RUEHGB #1767/01 1471057
ZNY CCCCC ZZH
P 271057Z MAY 06
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 4712
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RHEHNSC/WHITE HOUSE NSC WASHINGTON DC PRIORITY
RUEKJCS/DIA WASHDC PRIORITY
RUEAUSA/DEPT OF HHS WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCNFB/FBI WASHDC PRIORITY
RUEKJCS/CJCS WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001767

SIPDIS

SIPDIS

E.O. 12958: DECL: 05/26/2016

TAGS: [PGOV](#) [PINS](#) [PTER](#) [PHUM](#) [KJUS](#) [IZ](#)

SUBJECT: NEW MOJ EAGER TO ENGAGE, SKEPTICAL ABOUT IRAQI
SECURITY INTERNMENT

Classified By: Political-Military Counselor David C. Litt for
Reasons 1.4 (b) and (d)

¶1. (C) On May 24, newly-appointed Minister of Justice Hashim Abdulrahman al-Shibli met in his office at the Ministry with MNF-I Deputy Commanding General - Detainee Operations (DCG-DO), Major General Jack Gardner, for an introductory brief on current MNF-I detention operations, the legal basis for MNF-I security internment, upcoming detainee release plans, and the joint US-Iraqi strategy for the transition of MNF-I detention operations to the GOI in 2006-07.

¶2. (C) Al-Shibli, who held the position of Justice Minister in the Iraqi Governing Council in 2003-04, seemed eager to renew his engagement with MNF-I on detainee issues. "We must work together to control prisons and detention facilities ? we must look into the detainee situation and fix the whole thing, because it is a big problem for the Iraqi ministries and Coalition Forces," he said.

¶3. (C) Much of al-Shibli's familiarity with Coalition detention is understandably dated. He complained that visits to Coalition detention facilities in 2003 had discovered detainees who had not been seen within 72 hours of arrival by a judge as required by Iraqi law, and was surprised to learn that UNSCRs 1546 and 1637 provided Coalition Forces with the legal authority to perform security internment (vice criminal detention).

¶4. (C) Al-Shibli was pleased to hear of the impending closure of the Coalition facility at Abu Ghraib ("we should turn it into a park!" he exclaimed), but noted that he preferred the release of Abu Ghraib's inhabitants to their transfer to other facilities, saying "we should not go out of one detention facility and into another, we should instead close them all".

¶5. (C) The Minister appeared comfortable with plans for the transition of Coalition detention facilities to the GOI, focusing on the importance of guard training. He balked, however, at the proposition that the GOI might adopt new legal authorities for security internment. "We do not have such legislation," he said, "and if we do put this legislation or something similar into place, all hell will break loose!".

¶6. (C) Al-Shibli's indicated that his quarrel with the idea of Iraqi security internment included concerns for Iraq's reputation. "When we brought back capital punishment," he explained, "every human rights group in the world that we had never heard of spoke out against us, even though America has the same thing." (NOTE: This response is common. Few of our Iraqi interlocutors - PM Maliki is a notable exception - will entertain serious discussion on the issue of Iraqi legal authorities for security internment.)

¶7. (C) Post will engage al-Shibli soon on broader rule-of-law issues, including the need for dramatic increases in MOJ human and financial resources to enable MOJ to take custody - as mandated by Iraqi law - of the more than 10,000 pre-trial prisoners currently held by the Ministries of Interior and Defense in sub-standard, overcrowded facilities, many lacking access to judicial review and due process.

BIOGRAPHICAL NOTE

¶8. (C) Al-Shibli, a Sunni Arab, was born in Baghdad in 1935 and earned his law degree in 1958. After forty years' private legal practice, he served as Minister of Justice in the Iraqi Governing Council in 2003-04. He refused the position of Minister of Human Rights in the Ja'afari government following the announcement of his appointment, of which he claims not to have been notified in advance, on the grounds that he opposed sectarian tokenism in government.

BAGHDAD 00001767 002 OF 002

¶9. (C) From 2003-05, Al-Shibli was a member of the National Democratic Party; for the December 2005 election, he was appointed as a candidate on Ayad Allawi's Iraqiya List. He is not particularly close to Allawi, but is known as a liberal independent. He appears to be well-received by MOJ staff, with the continuing Deputy MOJ showing a new degree of respect and deference to his Minister.
KHALILZAD